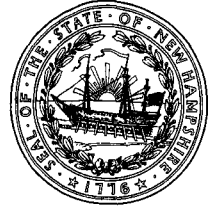




September 30, 2005

The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY #WSEB 05-163
CERTIFIED MAIL 7099 3400 0003 6156 0526

David Gilbert
Stubbys Place Restaurant
PO Box 35
Candia, NH 03034

Subject: Candia - Public Water System: Stubbys Place Restaurant (EPA #0368060)

Dear Mr. Gilbert:

The records of the Department of Environmental Services (DES) show that the Stubbys Place Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year.

BACTERIA MCL VIOLATIONS

The water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Administrative Rule Env-Ws 325.

DES records show that Standard Maximum Contaminant Level (MCL) violations for total coliform bacteria, as defined in NH Admin. Rule Env-Ws 315.01 have occurred and that letters of violation were issued for the following months:

June 2005 and September 2005

DES believes the MCL violations can be corrected and future violations prevented by taking the following actions:

1. **By October 14, 2005**, retain the services of a qualified water system consultant to address the system's water quality problems relative to the recent bacteriological occurrences; and
2. **By October 28, 2005**, submit to DES for review a copy of the consultant's report which shall include recommendations to correct the bacteria contamination; and
3. **By November 11, 2005**, submit to DES for review and approval an implementation schedule which identifies specific dates by which steps to correct the bacteria contamination will be accomplished.

The copy of the **consultant's written report and the implementation schedule** as requested above should be addressed as follows:

Anne S. Bailey
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In addition to your operator, assistance may be available to you through a variety of sources. Financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are NH Rural Water Association (1-800-556-3792) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is 271-4608.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-5171 • TDD Access: Relay NH 1-800-735-2964

DES Web site: **www.des.nh.gov**

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Please be reminded to carry out the public notice requirements and provide proof of public notice to DES for the September 2005 bacteria MCL violation, along with continuing to submit water samples according to the Barbara Davis' letter dated September 19, 2005, and the Master Sampling Schedule enclosed.

CHEMICAL MONITORING/REPORTING

Pursuant to NH Admin. Rule Env-Ws 326, the water system owner is required to submit samples according to the system's established schedule to the State laboratory or a State-certified laboratory for chemical analysis. DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter):

Quarter 2 – 2005 – Nitrate

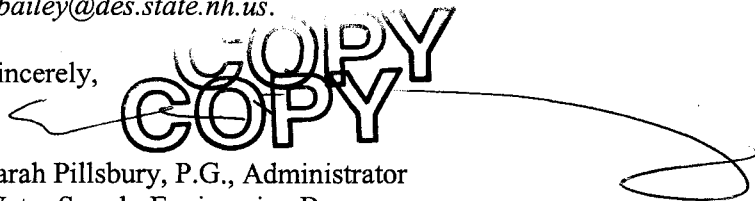
DES believes the monitoring/reporting deficiencies can be addressed by taking the following action:

4. **By October 14, 2005**, submit a Nitrate "make-up sample" to the State laboratory or a State-certified laboratory, in accordance with NH Admin. rule Env-Ws 326. Please use the enclosed analysis request form when submitting the sample to your laboratory.

In the event compliance is not achieved within the periods set forth above, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

If you have any questions regarding this letter, please contact Anne Bailey at (603) 271-0672 or by email at abailey@des.state.nh.us.

Sincerely,


Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

Enclosures: Bacteria MCL Public Notice Form
Letters Dated July 21, 2005, September 19, 2005, September 27, 2005
Master Sampling Schedule
Chemical Analysis Request Form

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cc: Gretchen R. Hamel, DES Legal Unit Administrator
Allyson Gourley, DES WSEB
Town of Candia Health Officer
NH DHHS DPHS Food Protection Section
EPA, Region 1
File

cc: Jim Gill, P.E., DES
Robert Morancy, RCAP Solutions, Inc.
Dave Gordon, DES BEOH
John Lukin, NHRWA